

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TOWN OF KEARNY,

Plaintiff,

v.

ACE DRAYAGE NYC, *et al.*,

Defendants.

No. 23-00212 (SDW)(CLW)

**ORDER**

August 10, 2023

**WIGENTON**, District Judge.

Before this Court is the Report and Recommendation (“R&R”) entered on July 26, 2023, by Magistrate Judge Cathy L. Waldor (“Judge Waldor”), (D.E. 10), recommending that this matter be dismissed for lack of subject matter jurisdiction. This Court has reviewed the reasons set forth by Judge Waldor in the R&R.<sup>1</sup> Based on the foregoing, and for good cause shown, it is hereby

**ORDERED** that the R&R of Judge Waldor, (D.E. 10), is **ADOPTED** as the conclusions of law of this Court. This matter is to be remanded to the Superior Court of New Jersey, and this Court denies Plaintiff’s application for an order requiring the Ace Defendants to pay for the costs of litigating the motion to remand.

**SO ORDERED.**

/s/ Susan D. Wigenton  
**SUSAN D. WIGENTON, U.S.D.J.**

Orig: Clerk  
cc: Parties  
Cathy L. Waldor, U.S.M.J.

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<sup>1</sup> The parties did not file objections to the R&R.